

*Application Serial No. 09/936,848
Amendment dated October 29, 2004
Reply to Office Action of August 4, 2004*

REMARKS

Claims 1, 2, 4, 5, 7 through 10, 12, 13, 15, and 16 are pending in this application. Further reconsideration is requested based on the following remarks.

Claim Rejections - 35 U.S.C. § 103:

Claims 1, 2, 4, 5, 7 through 10, 12, 13, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Alperovich *et al.*, US 6,078,804, in view of Franzia, U.S. 6,035,187. The rejection is traversed.

Alperovich neither teaches, discloses, nor suggests adding information related to the language that the user can understand to previously set information related to a language that the user can understand, as acknowledged graciously in the Office action. In Alperovich, rather, only information related to the subscriber, that is, the presumed owner of the cell phone, is stored and available for use by emergency personnel, as described at column 4, lines 5-7, 15 and 16.

The Office action seeks to modify Alperovich by combining it with Franzia, saying that it would have been obvious to "make the device adapt to include adding to user information the information related to a language that the user understands because this would allow efficient routing of emergency calls based on user specified data."

This conclusion is submitted to be unsupported by any of the cited references. Rather, the source of this conclusion is submitted to be the claimed invention itself. The stated purpose of Alperovich is the routing of emergency calls based on *subscriber* specified, not user specified, data, as described at column 1, lines 17 and 18. Furthermore, Alperovich is meant to address a need for a mechanism to automatically route an emergency call connection to an ESB terminal capable of effectively handling the situation associated with a particular mobile *subscriber*, not user, as described at column 1, lines 66 and 67, continuing at column 2, lines 1 and 2. There is no evidence that the problem of a non-subscriber picking up a mobile phone and trying to use it in an emergency even occurred to Alperovich, let alone any persons of ordinary skill in the art at the time the invention was made who read Alperovich.

Furthermore, Franzia applies to call boxes, not mobile phones, as described at column 1, line 7, and column 2, lines 37, 39, 45, *et cetera*. Call boxes have no subscribers, unless the emergency service that operates the call box is considered to be the subscriber. If this is the

*Application Serial No. 09/936,848
Amendment dated October 29, 2004
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case, an emergency service operating a call box will never need to rout calls placed by itself, and thus the problem of automatically routing emergency calls based on subscriber data would never have occurred to persons of ordinary skill in the art who read Franzia at the time the invention was made. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franzia as proposed in the Office action.

Furthermore, M.P.E.P. § 2143.01 prohibits a proposed modification that would render the prior art unsatisfactory for its intended purpose. The stated purpose of Alperovich is the routing of emergency calls based on *subscriber* specified, not user specified, data, as discussed above. Furthermore, Alperovich is meant to address a need for a mechanism to automatically route an emergency call connection to an ESB terminal capable of effectively handling the situation associated with a particular mobile *subscriber*, not user, as discussed above.

Modifying Alperovich by combining it with Franzia as proposed in the Office action would render Alperovich unsatisfactory for its intended purpose of routing of emergency calls based on subscriber, not user, specified data in contravention of M.P.E.P. § 2143.01. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franzia as proposed in the Office action.

Finally, M.P.E.P. § 2143.01 prohibits a proposed modification that would change the principle of operation of a reference. The stated purpose of Alperovich is the routing of emergency calls based on *subscriber* specified, not user specified, data, as discussed above. Furthermore, Alperovich is meant to address a need for a mechanism to automatically route an emergency call connection to an ESB terminal capable of effectively handling the situation associated with a particular mobile *subscriber*, not user, as discussed above.

Modifying Alperovich by combining it with Franzia as proposed in the Office action would change the principle of operation of Alperovich by routing of emergency calls based on subscriber, not user, specified data in contravention of M.P.E.P. § 2143.01. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franzia as proposed in the Office action. Claim 1 is submitted to be allowable. Withdrawal of the rejection

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Amendment dated October 29, 2004
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of claim 1 is earnestly solicited.

Claims 2, 4, 5, 7, and 8 depend from claim 1 and add further distinguishing elements. Claims 2, 4, 5, 7, and 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 4, 5, 7, and 8 is also earnestly solicited.

Claim 9 recites, in pertinent part:

"adding to said user information said information related to the language that the user can understand."

There is no evidence that the problem of a non-subscriber picking up a mobile phone and trying to use it in an emergency even occurred to Alperovich, let alone persons of ordinary skill in the art at the time the invention was made, as discussed above with respect to claim 1.

Furthermore, Franza applies to call boxes, not mobile phones, as discussed above with respect to claim 1. Call boxes have no subscribers, unless it's the emergency service that operates them, and thus the problem of automatically routing emergency calls based on subscriber data would never have occurred to persons of ordinary skill in the art who read Franza at the time the invention was made. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franza as proposed in the Office action.

Furthermore, M.P.E.P. § 2143.01 prohibits a proposed modification that would render the prior art unsatisfactory for its intended purpose, as discussed above with respect to claim 1. The stated purpose of Alperovich is the routing of emergency calls based on *subscriber* specified, not user specified, data, as discussed above. Furthermore, Alperovich is meant to address a need for a mechanism to automatically route an emergency call connection to an ESB terminal capable of effectively handling the situation associated with a particular mobile *subscriber*, not user, as discussed above.

Modifying Alperovich by combining it with Franza as proposed in the Office action would render Alperovich unsatisfactory for its intended purpose of routing of emergency calls based on subscriber, not user, specified data in contravention of M.P.E.P. § 2143.01. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franza as proposed in the Office action.

*Application Serial No. 09/936,848
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Finally, M.P.E.P. § 2143.01 prohibits a proposed modification that would change the principle of operation of a reference, as discussed above with respect to claim 1. The stated purpose of Alperovich is the routing of emergency calls based on *subscriber* specified, not user specified, data, as discussed above. Furthermore, Alperovich is meant to address a need for a mechanism to automatically route an emergency call connection to an ESB terminal capable of effectively handling the situation associated with a particular mobile *subscriber*, not user, as discussed above.

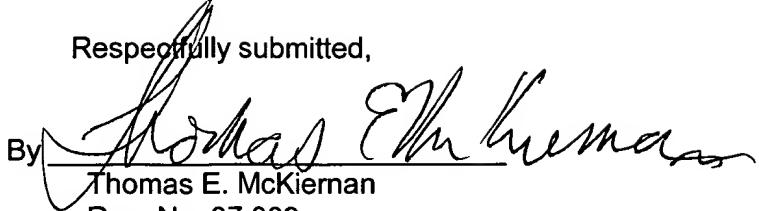
Modifying Alperovich by combining it with Franzia as proposed in the Office action would change the principle of operation of Alperovich by routing of emergency calls based on *subscriber*, not user, specified data in contravention of M.P.E.P. § 2143.01. It is submitted, therefore, that no reason exists to believe persons of ordinary skill in the art at the time the invention was made would have seen fit to modify Alperovich by combining it with Franzia as proposed in the Office action, as discussed above with respect to claim 1. Claim 9 is thus also submitted to be allowable. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claims 10, 12, 13, 15, and 16 depend from claim 9 and add further distinguishing elements. Claims 10, 12, 13, 15, and 16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10, 12, 13, 15, and 16 is also earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1, 2, 4, 5, 7 through 10, 12, 13, 15, and 16 are allowable over the cited references. Allowance of all claims 1, 2, 4, 5, 7 through 10, 12, 13, 15, and 16 and of this entire application are therefore respectfully requested.

Application Serial No. 09/936,848
Amendment dated October 29, 2004
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